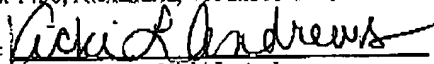


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of:	Group Art Unit: 1642
Applicants: Subhra Chakrabarti, et al.	Confirmation No.: 8318
Serial No.: 10/662,044	Examiner: Catherine Joyce
Filed: September 11, 2003	
Title: ANTIBODIES THAT RECOGNIZE HYPERPROLIFERATIVE CELLS AND METHODS OF MAKING AND USING SAME	<u>Certificate of Electronic Filing</u> I hereby certify that the attached Response and all marked attachments are being deposited by Electronic Filing on September 1, 2006 by using the EFS - Web patent filing system and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. By:  Vicki L. Andrews
Docket No.: 31302-702.201	

DECLARATION REGARDING AVAILABILITY OF BIOLOGICAL CULTURE
DEPOSIT

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Dear Sir/Madam:

I, Mark Glassy, do hereby declare as follows:

1. I am the inventor of the above-cited patent application.
2. I have deposited with the American Type Culture Collection (ATCC) the following cell lines as referenced in the specification of the above-referenced application:

ATCC Deposit No. PTA-5411, and

ATCC Deposit No. PTA-5412,

in order to satisfy the requirements of 37 C.F.R. 1.801 *et seq.*

3. The date of the above deposit was August 22, 2003, and a copy of the ATCC Deposit receipt showing that the cells were viable as of September 4, 2003 is attached.

C:\NrPortbl\PALIB1\VA2\2946498_1.DOC

Application No. 10/662,044
Attorney Docket: 31302-702.201

4. The name and address of the depository is:

American Type Culture Collection
10801 University Blvd.
Manassas, VA 20110-2209
Telephone: (703) 365-2700
Fax: (703) 365-2701

The ATCC is a recognized IDA under 37 C.F.R. 1.803.

5. With respect to the permanence of the cell line deposit:

(a) the depository, the ATCC, is an official depository in accordance with the Budapest Treaty for the above deposited cultures;

(b) as noted in the attached receipt, the depository affords permanence of the deposit for at least 30 years or at least 5 years after the most recent storage request, whichever is longest.

6. I affirm that should the cell lines mutate, become nonviable or be inadvertently destroyed, I will replace such cell lines for at least 30 years from the date of the original deposit; or at least 5 years from the date of the most recent request for release of a sample or for the life of any patent issued on the above-mentioned application, plus six (6) years to cover the statute of limitations, whichever period is longer.

7. With respect to availability of the cell lines I affirm that the deposit has been made under conditions of assurance of:

(a) access to the cell lines will be available during the pendency of the patent application making reference to the cell lines to one determined by the Commissioner to be entitled thereto under 37 C.F.R. §1.14 and 35 U.S.C. §122, and

(b) subject to paragraph (b) of 37 C.F.R. §1.808, all restrictions imposed on the availability to the public of the cell lines will be irrevocably removed upon the granting of a patent.


8. I hereby declare that all statements made herein are of my own knowledge and are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so

Application No. 10/662,044
Attorney Docket: 31302-702.201

made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: September 1, 2006



Mark C. Glassy, Ph.D.

ATCC

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

INTERNATIONAL FORM

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.**

To: (Name and Address of Depositor or Attorney)

SHANTHA WEST, Inc.
Attn: Mark C. Glass
1121 Sorrento Valley Road
Suite C
San Diego, CA 92121

Deposit on Behalf of: SHANTHA WEST, Inc.

Identification Reference by Depositor:

Human Hyaluronate: RH2
Human Hyaluronate: RH2

Patent Deposit Designation

PTA-5411
PTA-5412

The deposits were accompanied by: no scientific description, a proposed taxonomic description indicated above. The deposits were received August 22, 2002 by the International Depository Authority and have been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strains for 30 years.

The strains will be made available to a patent office authority to the Budapest Treaty certifies one's right to receive it if a U.S. Patent is issued covering the strains, and ATCC is instructed by the United States Patent & Trademark Office in the deposition of patentable strains.

If the strains should be lost or destroyed during the life of the term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or 50 years after the material is deposited for a sample, whichever is longer. The United States and many other countries are signatories to the Budapest Treaty.

The viability of the cultures that were deposited September 4, 2003. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Mark C. Glass
Mark C. Glass, Patent Specialist, ATCC Patent Depository

Date: September 29, 2003

cc: John Wetherall

ATCC

Potomac Depository
3000 University Boulevard
Manassas, VA 20108-2209
Tel: (703) 368-2743
Fax: (703) 368-2740

To:	Patent Office
Company:	STRANITRACE, LLC
Ref No:	US 2006/0127201
Address:	20000 Lee Road, Suite 100
Phone:	703-368-2743
E-mail:	info@stranitracell.com
Date:	September 22, 2006
Reference:	Lab. # 06090101 (RM1) Patent # 6,541,541 (RM2) and PTA 541,541 (RM3)

COMMENTS:

Attached is the lab entry of the results of PCR test on your material submitted for patent deposit purposes on August 22, 2006 for your information only.

Thank you

Maria Harris

Maria Harris

ATCC

Mycoplasma Detection

PCR REPORT for

Customer Name: Path-HarOrder Number: in-house

	Customer Designation	ATCC Code	Amplified Product Detected ¹
A	NONE	Positive Control	yes
B	NONE	Negative Control	no
1	PTA-381	C2	no
2	PTA-382	C2	no
3			
4			

¹ This test is performed using a thermocycler instrument with Roche Molecular Systems, Inc. and Applied Biosystems. A positive result indicates the detection of amplified DNA in the 200-400bp size range. A negative result indicates that there was no amplified DNA detected in the 200-400bp size range. Some samples may require further study to confirm initial results. Final results will be reported the following week.

DNA harvested from the above listed samples has been subjected to amplification by PCR using primers supplied in the ATCC Mycoplasma Detection Kit. These primers amplify produce DNA fragments of characteristic size when the primers are allowed to amplify DNA from cultures containing *Mycoplasma pneumoniae*, *M. hominis*, *M. genitalium*, *M. mycoides*, *M. fermentans*, *M. pneumoniae*, and *Mycoplasma* sp. as well as many other species of Mycoplasma. While the primers exhibit excellent specificity, production of DNA amplicons in the 200-400bp size range from other pathogens such as certain strains of *Escherichia coli* and *Chlamydia* has been observed. The primers may also amplify mycoplasma specific DNA fragments from mycoplasmas that have been disrupted by heat or other methods or other bacteria that harbor mycoplasma DNA intact.

COMMENTS

Collopy-Sargo

Biologist

9/12/06

Signature

Title

Date

Reviewed by: Debra Polyer

TOTAL P. 02

109-00, 107 West 17th Boulevard
New York, New York 10011-2065 USA

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ALUMINUM & GLASS
1231 Sonoma Valley Road
Suite C
San Diego, CA 92121

32421-2225 Illinois, Mt. Pleasant, Rock Island Co. 1911

